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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,012	02/26/2002	Eric Thomas Eaton	PT03100UP01D03	6985

24273 7590 09/26/2006

MOTOROLA, INC  
INTELLECTUAL PROPERTY SECTION  
LAW DEPT  
8000 WEST SUNRISE BLVD  
FT LAUDERDAL, FL 33322

EXAMINER

NGUYEN, SIMON

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,012

Applicant(s)

EATON ET AL.

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (6,771,317).

Regarding claim 1, Ellis discloses a method and apparatus for interacting in a television set, comprising; a receiver for receiving a TV broadcasting (abstract) that includes a prompt (icon "I" for additional information) ( see icon "i" on figs. 20-22); a prompt mode function that generates a signal having a state that either enables a presentation of the prompt during the broadcast, wherein the prompt indicating the presence of an information address in the broadcast, the information address indicating how additional information is obtained (figs. 20-22, column 18 lines 45-55, column 37 line 42 to column 38 line 16).

Regarding claims 2-5, Ellis further discloses the prompt (icon) mode function is determined by a remote controller, wherein the remote controller inherently implemented a short-range wireless signal; a location table outlet (see figs. 10, 18, 19),

wherein the location table outlet is determined by a global positioning system (satellite) (column 8 lines 29-47, column 19 lines 49-51); a local channel identifier (figs. 10, 18, 19).

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Macrae et al. (20030005463).

Regarding claim 1, Macrae discloses a method and apparatus for interacting in a television set, comprising; a receiver for receiving a TV broadcasting that includes a prompt (icon "I" for additional information) ( abstract); a prompt mode function that generates a signal having a state that either enables a presentation of the prompt during the broadcast, wherein the prompt indicating the presence of an information address in the broadcast, the information address indicating how additional information is obtained (figs. 2-8, paragraphs 46, 57-58).

4. Claims 1-3, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (6,177,931).

Regarding claim 1, Alexander discloses a method and apparatus for interacting in a television set, comprising; a receiver for receiving a TV broadcasting (column 8 lines 36-64) that includes a prompt (icon) (column 4 lines 62 to column 5 line 3, see icon "I" on figs. 3-10B)); a prompt mode function that generates a signal having a state that either enables a presentation of the prompt during the broadcast, wherein the prompt indicating the presence of an information address in the broadcast, the information

address indicating how additional information is obtained (figs. 3-10, column 18 lines 33-67, column 23 lines 43-47, column 27 lines 40-47).

Regarding claim 2, Alexander further discloses a remote controller or a wireless communication device being used to link to the prompt (icon "i") displayed on a TV screen to obtain the additional information (column 8 lines 44-64). It should be noted that the remote controller or the wireless communication device as being mentioned by Alexander inherently interact with a television set via a short-range wireless signal.

Regarding claims 3, 5, Alexander further discloses a location table output (figs. 3-10), wherein the location table output also display the prompt (icon "i") to allow a user obtaining the additional information through activating the prompt "i" which then connects to a web site address, wherein the location table output is determined by a local channel identifier such as ABC, CBS, NBC, ESPN..

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (6,177,931).

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Regarding claim 4, Alexander discloses the location table output is broadcasted by a satellite (column 28 line 14), wherein the satellite broadcast is a global positioning system input which is known to those skilled in the art in order to get information anywhere in the world.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window  
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

September 21, 2006

A handwritten signature in black ink, appearing to read 'S. Nguyen'.

**SIMON NGUYEN  
PRIMARY EXAMINER**